1: Evans-Pritchard E-5 (1931, 1936) 1940
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fore, he runs a great risk of his skull being cracked with a club, and even of being speared if excitement runs high. And this is what often happens.

For this reason we have said that Nuer law, in so far as it applies to a study of political relations, must be treated in connexion with the blood-feud. Disputes can often be settled on account of close kinship and other social ties, but between tribesmen as such they are either settled by the aggrieved party using force, and this may result in homicide and blood-feud, or by the debtor giving way in the knowledge that force may be used and a feud result. It is the knowledge that a Nuer is brave and will stand up against aggression and enforce his rights by club and spear that ensures respect for person and property.

The Nuer has a keen sense of personal dignity and rights. The notion of right, *cuong*, is strong. It is recognized that a man ought to obtain redress for certain wrongs. This is not a contradiction of the statement that threat of violence is the main sanction for payment of compensation, but is in accord with it, for a man's kinsmen will only support him if he is right. It is doubtless true that if a man is weak it is unlikely that his being in the right will enable him to obtain satisfaction, but if he is in the right he will have the support of his kin and his opponent will not, and to resort to violence or to meet it the support of one's kin and the approval of one's community are necessary. One may say that if a man has right on his side and, in virtue of that, the support of his kinsmen and they are prepared to use force, he stands a good chance of obtaining what is due to him, so long as the parties to the dispute live near one another.

When we speak of a man being in the right we do not suggest that disputes are mostly a clear issue between right and wrong. Indeed, it would be correct to say that, usually, both parties are to some extent right and that the only question which arises is, Who has the greater right? To state the matter in a different way: a Nuer dispute is usually a balance of wrongs, for a man does not, except in sexual matters, wantonly commit an act of aggression. He does not steal a man's cow, club him, or withhold his bride-cattle in divorce, unless he has some score to settle. Consequently it is very rare for a man to deny the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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577 627 damage he has caused. He seeks to justify it, so that a settlement is an adjustment between rival claims. I have been told by an officer with wide experience of Africans that Nuer defendants are remarkable in that they very seldom lie in cases brought before Government tribunals. They have no need to, since they are only anxious to justify the damage they have caused by showing that it is retaliation for damage the plaintiff has inflicted earlier.

IX

624 Feuds are settled through the leopard-skin chief and he plays a minor role in the settlement of disputes other than homicide. It might be supposed that this functionary has a position of great authority, but this is not so. Indeed, on the same grounds as we have said that the Nuer have no law we might say that they also have no government. We devote a few lines to stating what are the ritual qualifications of the leopard-skin chief and then assess the part he plays in feuds and quarrels.

The few references in the writings of early travellers about Nuer leaders do not suggest that they were persons of very great authority.[1] The absence of any persons with sufficient authority or, except for a few prophets, with sufficient influence through whom an administrative system might be built up is stated in very direct terms by the earliest British officers to enter Nuerland.[2] The 'sheikhs' described in these early reports as lacking authority are probably the persons who were later known among Europeans as leopard-skin chiefs. A leopard-skin chief, 624 789 *kuaar muon*, has a sacred association with the earth (*mun*) which gives him certain ritual powers in relation to it, including the power to bless or curse. However, lest it be supposed that the power to utter curses enables a chief to wield great authority I at once record that I have never observed a chief exercise this power. There are stories which recount the dire effects of a curse, but I think that as a rule a chief only ventures to threaten to utter one when he is officiating in a ritual capacity in the settlement of feuds, on which occasions he is expected to do so, the

[1] Werne, op. cit., p. 207; Poncet, op. cit., p. 40; Brun-Rollet, op. cit., p. 222. Brun-Rollet's account is unacceptable.

[2] *Kaimakam G. Hawkes, S.I.R.*, no. 98, 1902; *Bimbashi H. Gordon, S.I.R.*, no. 107, 1903.

8:Howell E, G-5 (1942-1944)1954
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occupying exclusively a common territory. Thus the genealogical system runs right through the structure of the tribe and gives it a form which can be visualized by the Nuer in kinship terms. Each individual knows his position in that structure and therefore his relation to other persons in the tribe by reference to the segmentations of the clan which run through it.

I do not propose to digress further on the nature of Nuer society, but must emphasize its structural form and relativity. Further, it is important to note that tribes and segments of tribes exist largely in opposition to each other, a condition which Professor Evans-Pritchard describes as the 'balanced opposition of groups'. Both these conditions, structural relativity and balanced opposition, are of profound importance in a study of customary law, since the sanctions for conformity are relative in strength according to the position in society of the individuals or groups concerned, and 'balanced opposition' is an especially important feature in the institution of the feud and the way in which feuds are composed. I shall therefore refer to these features of Nuer society later.

Custom or Law and the Sanctions for Conformity

The Nuer had no regular institutions for the enforcement of customary law in the past. Social control was not maintained through the systematic application of the force of politically organized society',[1] for there is no evidence that anything of such a developed and formalized nature existed. On this strict definition, then, the Nuer had no 'law', but it is clear that in a less exact sense they were not lawless. There were recognized standards for the control of human relationships even though these were maintained by sanctions too indeterminate to be called legal. As will be seen later, a very large and growing body of what should be called 'custom' when we refer to the past is now consistently administered in the tribunals established by the Government and hence is enforceable law in a more precise sense. It is not possible, however, to qualify every statement in reference to the past or the present, so that the term 'law' is used rather loosely in the text which follows.

A Nuer thinks in terms of rights which he calls *cuong* and of wrongs which he calls *duer*. *Duer* in this sense means the failure to recognize a right or the infringement of a right. The Nuer has, by reason of his membership of a kinship group, both rights and obligations. A wrong, *duer*, therefore has two meanings. In the first place it is a wrong when a man actively violates the right of another. It is also a wrong when a man refuses to honour his obligations towards his kinsmen.

Given that there were rules of conduct, expressed in the terms

[1] Roscoe Pound, *An Introduction to the Philosophy of Law*.

8:Howell E, G-5 (1942-1944)1954
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682 There is, however, very little expression of an unfavourable reaction to the taking of life in the abstract, and homicide is not considered
●577 a crime against society. On the other hand what we should call 'cold-blooded murder', which is extremely rare, offends Nuer ideas of morality because the victim has had no chance to defend himself. It is the Nuer code of honour which has been contravened. People are profoundly shocked in these circumstances, a feeling which extends well beyond those who by reason of their relationship to the deceased are expected to take a vindictive attitude towards the killer and his kinsmen.

682 Homicide and blood-feuds arising out of homicide must be considered in relation to the social context. Such feuds are characteristic
628 of the relations prevailing between the political divisions of a tribe. Specifically it is the tie of kinship which demands common action in vengeance against the killer of a kinsman, but the obligation often extends beyond the immediate lineage of the slain to much larger communities, tertiary or even larger tribal groups. Thus the spread of a state of feud follows generally, but not always exactly, the lines of social cleavage, and gives emphasis to the segmentation of the tribe. Generally speaking, a feud between two closely related groups will be settled without great difficulty because common habitation and common economic pursuits, strengthened by the tradition of blood relationship, demand peaceful composition as a matter of expediency. The sustained feud is usually one which has spread to larger units of society and becomes a permanent expression of opposition between them. Hostilities are not continuous, but even comparatively trivial provocation may be sufficient to start further fighting.

In the past there was no conception of individual punishment inflicted on the person of the killer. There was no organized authority to inflict
[624] it. We have seen that the Leopard-Skin Chief, who had certain very definite functions to perform in connexion with homicide, had no political power but was essentially an arbitrator called in by hostile groups when a settlement of their differences was desirable. All wrongs were civil or private wrongs as between individuals or groups of individuals and, except in rare cases where collective action was taken against certain anti-social persons, witches and the like, there was no public law. The settlement of a feud arising from homicide, whether the act was committed by stealth, in fair fight, or by accident, required only the restoration of equilibrium between the groups involved. Settlement was in no sense an individual affair. It was not necessary to take revenge on the person of the killer himself; any one of his kinsmen would do instead.

If there was any sense of retributive justice, it was held by an isolated group of persons, the group to which the deceased belonged as opposed to the group of which the killer was a member. The action which

14: Huffman M-5 (no date) 1931
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We have had several small thefts of fruit at the mission, and Nuer living on the compound have assumed the part of self-appointed police without any idea of material gain for themselves. They have occasionally assumed such responsibility for the property of the white man as to make it necessary for them to declare a Nuer—even a relative—to be a wrongdoer. 577

A Nuer is faithful to his family and tribe, remembering his obligations to them and knowing that he may be sure of their support in times of urgent need. This pride in his tribe must not be undermined. Age-old customs and teaching have given him a heritage of which he may well be proud. 577 621

As the white man and the Arab mingle in his life and as western civilization touches Nuerland may the good in the Nuer remain undestroyed. May he not become dissatisfied because his ways are not those of western nations, but help to make his tribe better because he has lived in it. We must be careful not to designate as evil everything that is not part of our western civilization. If we teach the Nuer of Christ and they follow in His way, He will perfect their lives. 000

POISE

You cannot hurry a Nuer unless you can give their war cry—which brings immediate action. 157

Nuer have been taken to Khartoum, and while they were amazed at all the wonderful (to them) things which they saw, no one who saw them on the street could have guessed any of their thoughts by their actions. They were quiet and self-possessed amid surroundings that were entirely strange to them. One boy was even heard to remark that 'Khartoum had nothing to boast of, except that it did not have mosquitoes'.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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to dust and killed many of the 'Turks' as well because they had compared the rifle he had given them to his power. The point of this story is not merely that God was stronger than the 'Turks' but that he was in the right and the 'Turks' were at fault.

This brings me to an extremely important Nuer concept, an understanding of which is very necessary to a correct appreciation of their religious thought and practice. This is the concept of *cuong*. This word can mean 'upright' in the sense of standing, as, for example, in reference to the supports of byres. It is also used figuratively for 'firmly established', as in the phrase '*be gole cuong*', 'may his hearth stand', which has the sense of *stet fortuna domus*. It is most commonly employed, however, with the meaning of 'in the right' in both a forensic and a moral sense. The discussion in what we would call legal cases is for the purpose of determining who has the *cuong*, the right, in the case, or who has the most right; and in any argument about conduct the issue is always whether a person has conformed to the accepted norms of social life, for, if he has, then he has *cuong*, he has right on his side. We are concerned with the concept here both because it relates directly to man's behaviour towards God and other spiritual beings and the ghosts and because it relates to God in a more indirect way, in that he is regarded as the founder and guardian of morality. Up to this point I have been describing Nuer ideas about the nature of God. I shall now describe their ideas about what God requires of them.

III

I do not want to suggest that God is thought to be an immediate sanction for all conduct, but I must emphasize that the Nuer are of one voice in saying that sooner or later and in one way or another good will follow right conduct and ill will follow wrong conduct. People may not reap their rewards for good acts and punishments for bad acts for a long time, but the consequences of both follow behind (*gwor*) them and in the end catch up on those responsible for them. You give milk to a man when he has no lactating cows, or meat and fish to him when he is hungry, or you befriend him in other ways, though he is no close kinsman of yours. He blesses you, saying that your age-mates will die while

16: Evans-Pritchard E-5 (1931, 1936) 1956
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your children grow old with you. God will see your charity and give you long life. Those who have lived among the Nuer must have heard, and received, their blessings. My lamented friend Miss Soule, of the American Mission at Nasser, once related to me how a Nuer woman had told her that her husband wished to throw her monorchid child into a river and how she dissuaded him by saying to him 'Maybe if we take care of this baby God will do great things for us.' Miss Soule was herself often blessed by Nuer, being told that she would have a long life because she cared for orphans and babies whose mothers were unable to suckle them. I have myself had similar experiences during my illnesses in Nuerland. Men who appeared to be unsympathetic at other times would visit me then and say gently, 'You will drink Nile water', that is, 'You will return to your home'; or 'Well, pray to God and tell him that you have come on a journey to the country of the Nuer and that you have not hit anyone or stolen anything or done any bad thing there, and then he will leave you alone'; or 'It is nothing. You will not die. This is our earth and you shall not die on it. Why should you die? You have not wronged us, and you are friend to all our children. It (the sickness) is nothing. If you call on God it will finish. Let it blow there, and there, and there (pointing in different directions), let it go to the ends of the earth.' As these admonitions imply, if a man does wrong God will sooner or later punish him.

The Nuer have the idea that if a man keeps in the right—does not break divinely sanctioned interdictions, does not wrong others, and fulfils his obligations to spiritual beings and the ghosts and to his kith and kin—he will avoid, not all misfortunes, for some misfortunes come to one and all alike, but those extra and special misfortunes which come from *dueri*, faults, and are to be regarded as castigations. The word *duer* means 'a fault', and the verbal *dwir* means 'to be at fault'. Like similar words in other languages (e.g. Hebrew, Greek, and German), *dwir* has both the sense of missing a mark aimed at—in throwing a spear, and today also in firing a rifle—and also of a dereliction, a fault which brings retribution. I discuss interdictions in Chapter VII. Here I wish only to observe that not only a sin (a breach of certain interdictions) but also any wrong conduct to persons is spoken of as *duer*, a fault. Any failure to conform to the accepted norms of behaviour towards a member of one's family, kin, age-set, a guest, and so forth is a fault which

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 ●577 may bring about evil consequences through either an expressed curse or a silent curse contained in anger and resentment (pp. 165–73), though the misfortunes which follow are regarded by Nuer as coming ultimately from God, who supports the cause of the man who has the *cuong*, the right in the matter, and punishes the person who is at fault (*dwir*), for it is God alone who makes a curse operative. Nuer are quite explicit on this point. What, then, Nuer ideas on the matter amount to is, in our way of putting it, that if a man wishes to be in the right with God he must be in the right with men, that is, he must subordinate his interests as an individual to the moral order of society. A man must honour his father and his father's age-mates, a wife must obey her husband, a man must respect his wife's kin, and so on. If an individual fails to observe the rules he is, Nuer say, *yong*, crazy, because he not only loses the support of kith and kin but also the favour of God, so that retribution in one form or another and sooner or later is bound to follow. Therefore Nuer, who are unruly and quarrelsome people, avoid, in so far as they can restrain themselves, giving gratuitous offence. Therefore, also, a man who is at fault goes to the person he has offended, admits the fault, saying to him '*ca dwir*', 'I was at fault', and he may also offer a gift to wipe out the offence. The wronged man then blesses him by spitting or blowing water on him and says that it is nothing and may the man be at peace. He thereby removes any resentment he may have in his heart. Nuer say that God sees these acts and frees the man from the consequences of his fault. Similarly, the consequences of faults which are more directly of a religious order, like [782] the breach of an interdiction or the neglect of some spirit, may be avoided by a timely sacrifice, though Nuer say that sacrifice without contrition is of no use. But—and this is the point I want to bring out here—the fact that the consequences of a fault can be stayed by contrition and reparation sh[illegible]that the consequences of wrong-doing are not thought to be automatic.

That this is so, and there is a moral, and therefore uncertain and alterable, element involved is further shown by another fact. In estimating the likelihood, or degree, of misfortune that may be expected to follow from an act, Nuer take deliberation into the reckoning. They distinguish between *duer* and *gwac*. The word *duer*, as we have seen, means a fault, and it normally implies that the fault was deliberate, though, as will be seen later, this is not

always or entirely so. *Gwac* means a mistake, an unintentional error and generally one of no great consequence, one in which a serious breach of religious or moral precepts is not involved, such as an unintentional lapse in manners or a slip of the tongue. It implies that the action was incorrect but inadvertent; and the man asks to be excused. In a certain sense, however, in the sense that the act was not deliberate, a more serious fault may be regarded as a mistake, even though it is at the same time a fault, and the fact that it was not a deliberate fault is held to some extent to alter the circumstances. This is very evident in affairs in which damage and compensation are involved, as, for example, in homicide. When a man kills another, how the damage is treated, both with regard to manner and to the amount of compensation demanded, much depends on whether the slaying was premeditated or was the unfortunate outcome of a sudden quarrel or an accident. God also takes deliberation into account in breaches of moral law. Thus it is not thought that children will fall sick if they have incestuous relations in their play 'because the children are ignorant of having done wrong'. They know no better. Likewise, if two kinsmen have relations with the same girl, which Nuer regard as incest, without knowing that the other was making love to her, 'it is not incest because each was unaware that the other was making love to her'. Again, it is not thought that a man who commits incest with a kinswoman, not knowing her to be a kinswoman, will suffer any serious, or even any, consequences: 'This is not incest because he was unaware of the relationship between them.' If a man who respects hearts or lungs of animals eats them not knowing the nature of the meat he eats, 'this is an accident and his spirit (the spirit of hearts or lungs) knows that it was not done deliberately'. He may get a slight illness, but not a serious one. When I was living on the Sobat river news came to our village that some persons in an upstream village had found some meat and had cooked and eaten it, thinking that it was the flesh of some animal crocodiles had mutilated, and that they had later discovered it to be the flesh of a man whom crocodiles had killed and torn to pieces. I was told that these persons would at once have taken *wal nueera*, medicine to cleanse them from pollution, and that while the happening was very disgusting it was unlikely that it would cause death because the flesh was eaten in ignorance of its nature. Nuer say that God may overlook what

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was done in error. Similarly, they say that he will not allow a curse to harm a man who has done no deliberate wrong.

One can make too rigid distinctions between the meanings of words, and while an error or accident is clearly regarded by Nuer as different from a deliberate and premeditated act, the concepts of *gwac* and *duer* shade into each other. There is perhaps always an element of the unintentional in the worst fault, and a Nuer who has committed a bad fault is inclined to excuse himself, as we would do, by calling it a mistake; but it is also true that, except in matters of no moment, and although the consequences may not be so severe, a wrong act is always a fault, whether it was deliberate or was due merely to forgetfulness or even involuntary, and may involve liability. Thus the men who in ignorance have relations with the same girl, the man who unknowingly has relations with a kinswoman, and the man who by mistake eats the flesh of his totem have all committed *dueri*, faults, and they cannot be certain that evil consequences will not follow. The effects may be the same as if the acts had been wilful. Likewise a man who inadvertently eats from a dish from which a man with whom his kin have a blood-feud has eaten, and a man who appears naked before a kinswoman of his wife (Nuer men normally have no covering), not having noticed her presence, have committed faults. It may well happen that a man does not know he has done wrong till he suffers the consequences of the wrong. For example, a man takes a woman for concubine not knowing that she is distantly related to him, and his children by her die. He then makes inquiries and discovers the relationship. He sinned, like Oedipus, in ignorance, but that did not alter what he had done and, like Oedipus, he paid the penalty of his fault. Even the innocent may suffer, as the example I have just given shows. Indeed the whole human race suffers death on account of what was no more than a trivial oversight. If man had prevented the hyena and the durra-bird from escaping from heaven there would have been no death.[1] This is the lesson of another story, probably also of Dinka origin, recounted by Father Crazzolara about the origin of death. It makes death follow from a mere blunder or a trifling act of malice. When man was created God took a piece of a gourd vessel and threw it into water to indicate that man would live for ever just as the rind would float for ever on the water. He then sent a

[1] Op. cit., p. 67.

barren, or divorced, woman to men to tell them that they would live for ever, but, in delivering her message, she threw, instead of a piece of gourd, a potsherd into the water, and it sank. Almost fortuitous though this incident was, what had happened, as we have noted before, could not be made not to have happened. Men have to accept the consequences of actions whether they are deliberate or not. 776^ 577● 773 177

Hence when Nuer suffer misfortune they ponder how it may have come about, for it follows from what has just been said and from the fact we noted earlier that God is always in the right, that if misfortune comes to a man it is most likely on account of some fault. This is why on such occasions one hears so often in Nuer prayers and invocations the plaint 'what have we done?' or 'what evil have we done?' and why Nuer sacrifices are so often propitiations, expiations, atonements, and purifications. It is therefore probable that suffering usually entails a measure of guilt. Nuer search their consciences to discover what fault might have brought it on them, though this is more evident when a misfortune is only pending and may yet be stayed or though it has fallen may yet be mitigated, for if the fault can be determined they will know better what action to take. When the misfortune is complete and their condition can in no way be alleviated they are less interested in its cause and accept its accomplishment with sorrow and resignation. 776^ 577 782 777

When Nuer suffer they sometimes at once know what is the cause of their suffering because they are well aware of some particular fault. They sometimes, as we would say, tempt God by doing what they know to be wrong, hoping that it will not matter very much, such as having relations with a woman which are incestuous but not very incestuous. If trouble comes they know that this is the cause, for they have said that whether the relationship was too close for congress would be decided by any consequences of it. They now discover that it was more serious than they thought. Nuer often neglect their duties to their various spirits. They omit or forget to sacrifice to them or they fail to dedicate cows to them or they use cows dedicated to them for marriage and find that they cannot replace them or do not trouble to do so. If a misfortune falls on them they then know that it is due to the anger of a spirit. Often, however, they are in doubt about the cause and confused and bewildered. It may be that the 776^ 577 777

16: Evans-Pritchard E-5 (1931, 1936) 1956
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suffering is just something, like death in old age, which had to happen. It may be due to a fetish or the evil eye. It may be the outcome of a curse or the anger of a ghost. Nevertheless, Nuer generally appear to feel that suffering is due to some fault of theirs, and it is probable that there is always an element of this feeling in every situation of misfortune, whatever its immediate cause may be thought to be.

IV

I have discussed in a preliminary way the conception Nuer have of God, the ideas and feelings they have about their relations with him, and some of the actions they think bring about divine intervention in human affairs. I take these topics up again in succeeding chapters after the notion of Spirit has been broadened by an account of other spiritual conceptions. A brief consideration of some of the commoner expressions used in Nuer prayers may, however, be given now because they are used only when speaking to God.

For obvious reasons Nuer prayers are most commonly heard on public and formal occasions, generally in connexion with sacrifices. At any important sacrifice, and sometimes on other important occasions also, Nuer make long invocations, called *lawai*, about the event which gave rise to the occasion, and into these long rambling addresses are every now and again introduced short prayers, mostly petitionary prayers. These what we may call stock prayers are often strung together in strophes in a kind of Pater Noster, such as 'Our father, it is thy universe, it is thy will, let us be at peace, let the souls of the people be cool, thou art our father, remove all evil from our path', and so forth. However, there are no set form and order to these prayers, and each petition may be used separately and anywhere and at any time, and not only in invocations but also in private and spontaneous prayer, whether spoken or inward, and as pious ejaculations. If he is in any trouble or anxiety, the head of a Nuer household may pace up and down his kraal brandishing his spear and uttering some of these supplications; or, less formally, he may say them standing or squatting with his eyes turned towards heaven and his arms outstretched from the elbows, moving his hands, palms uppermost, up and down. They may also be uttered, if he says anything

16: Evans-Pritchard E-5 (1931, 1936) 1956
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196 784 Nuer speak of these conventions with regard to nakedness and eating as *thesk ma tot*, minor respect. That they do not think of them as faults of the same order as breaches of the other rules of respect—*thesk ma dit*, major respect—is also shown by the fact that though all the rules are alike referred to as *thek* they do not speak of a breach of either the nakedness or the food convention as *nueer*,[1] the word, the verbal form of which is *nuer*, which they use when speaking of breaches of some of the other rules and the consequences of them. We have earlier met the word in reference to eating human flesh (p. 19) and to drinking from a pool contaminated by a corpse (p. 130). A breach of the more serious rules of *thek* is likely to cause death to the breakers or their children or cattle, especially if the breach was wilful. I was told that *nueer* is [953] a sickness of the whole body which generally begins with violent vomiting, but probably any serious sickness following the breach of a *thek* taboo would be described as *nueer*. Sometimes the offender's life can be saved by timely action, and his recovery is thought to be likely if his offence was unintentional. Sacrifice is made to God and in certain circumstances an infusion of cleansing medicines may also be drunk.

196 784 ●577 262 The attitude Nuer call *thek* is thus different from mere avoidance of doing things considered to be unbecoming. Failure to conform to *thek* prohibitions involves the culprit in something more than *puc*, shame, and its counterpart *cany*, a word which has the general sense of 'to despise'. Any conspicuous breach of morality or decorum is shameful in Nuer eyes, as when a man steals or is rude to his father. It is shameful—to give another example—for a man, especially if he is unmarried and is courting girls, to eat birds or eggs. Only a *bar*, a poor man without cattle, would eat them. I was frequently taunted by Nuer on this score: 'are you not a man that you eat such little things?' Nuer also regard the eating of most wild fruits as contemptible and they think it both disgusting and shameful to eat carnivora, monkeys, zebras, most reptiles, and all insects. The breach of a *thek* rule may be shameful and despicable, but when it is spoken of as *nueer* it is also sinful.

196 784 783 There are, as will be seen, prohibitions with religious sanctions

[1] It should perhaps be made clear that the word *nueer* has nothing to do with 'Nuer', the name of the people. 'Nuer' is not the name by which the people refer to themselves but is what foreigners call them.

783 of some fault on the part of the sick person or of someone closely
753 related to him, and it may simply be said to be *kwoth*, meaning that it is the action of Spirit. A sickness may always be a sign of some fault. No attempt may be made to discover whether there has been a fault or not or what the fault, if any, was, but Nuer think that a man would not be sick if there had been no error, though the thought is not always expressed.

Since sickness is the action of Spirit therapeutic treatment is sacramental. The sickness is only a symptom of the spiritual condition of the person, which is the underlying cause of the crisis; and it can only be cured by expiation—sacrifice—for the sin which has brought it about. This, then, is a further characteristic of sin. It causes physical misfortune, usually sickness, which is identified with it, so that the healing of the sickness is felt to be also the wiping out of the sin. When Nuer say that sacrifice wipes out the *giak*, the badness or evil, they do not just mean that the sickness will depart but also that what may have caused it will be no more. When a serious sin has been committed sacrifice is made before there are any signs of sickness.

783 So far we have been discussing certain definite ideas and con-
577 ventions. Certain violations of specific interdictions are held to be divinely punished and these have special names, *nueer*, *ruai*, and so forth. But they are covered by the general term *dueri*, faults. That term covers also breaches of any social convention. There is, therefore, no convenient terminological distinction in Nuer which we can follow in translation to mark off faults of the kind we have been considering and have called sins from faults of some other kind. Moreover, God is regarded as the guardian of the social order and his intervention as a possible sanction for any rule of conduct. We cannot, therefore, make an absolute distinction between what we have called sins and other faults. We can only say that the religious sanction is more severe, and more definite, and tends also to be more exclusive, in the case of the faults we have been discussing than in cases of other faults.

A *duer*, fault, of any kind may, as we have earlier noted, bring about divine punishment. It may do so through the action of a curse or of ghostly vengeance, and as in such cases God is thought to be the arbiter the fault involves to some extent the idea of divine intervention and consequently the need for sacrifice; and a misfortune may be attributed to a curse of the living or to anger of the

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ghosts and hence to injuries done to them. It may do so through fetishes, though, as we have noted, there is some ambiguity and confusion about their morality. Particular calamities are not otherwise attributed to specific breaches of custom, and I have never seen or heard of sacrifices performed on account of such breaches. Serious sickness, the commonest occasion of sacrifice, in all cases I have examined, was attributed, when attributed to anything, to an infraction of one of the interdictions we have been discussing, to seizure or possession by a spirit, generally seizure on account of neglect of obligations to it, to ghostly vengeance, or to a fetish, and not simply to failure to observe the social code. But we have to bear in mind that when there is sickness not attributed to some specific cause sacrifice is, nevertheless, performed to cover any or all unknown causes and that among such causes may be moral faults which have caught up with the sick man in his sickness, and this is so because God has taken notice of them.

Consequently, such moral faults as meanness, disloyalty, dishonesty, slander, lack of deference to seniors, and so forth, cannot be entirely dissociated from sin, for God may punish them even if those who have suffered from them take no action of their own account. Nuer seem to regard moral faults as accumulating and creating a condition of the person predisposing him to disaster, which may then fall upon him on account of some act or omission which might not otherwise and by itself have brought it about. This is further suggested by the custom of confession at certain sacrifices, when it is necessary to reveal all resentments and grievances a man may have in his heart towards others. This may be rather a peculiar kind of confession, that of other people's shortcomings, but the point is that the faults together with the feelings they have engendered are placed on the victim and flow away into the earth with its blood.

But though the notion of *kwoth* is as ubiquitous as the air to which it is likened and may be evoked in relation to any question of right and wrong there are differences between its association with such sins as incest or eating with persons with whom one is at feud and its association with faults which have a moral or legal, rather than a religious character, such as lack of deference to an elder or refusal to pay a debt. When an action of the first kind, which is definitely and wholly of a sinful character, has been committed it is likely, if it is thought to be a serious transgression, to

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733 lead to sacrifice before any effects follow from it. This would not
577 happen in the case of faults of the second kind. Also, if sacrifice is not made and the act is followed by sickness Nuer know that the sickness is a result of that sin. They start, as it were, from the sin and reason from it to the sickness. But if there is no known and specific sin they start from the sickness and reason that maybe it results from some fault or faults. In the first case, the linking up of the two events is precise; and sacrifice is made to expiate the known sin to stay its consequences. In the second case it is vague. Sacrifice is made to get rid of the sickness and whatever it is which has brought it about, for though the cause may not be determined it is, as it were, contained in the sickness. For some reason not known God has sent, or allowed, the sickness, and the evil manifest in it must be got rid of by sacrifice. The difference is one of emphasis or of direction. In the one case the emphasis is on the actions from which one looks forward to the sickness which, when it comes, is identified with them. In the other case the emphasis is on the sickness and one looks backwards from it to faults which might have brought it about, even if one makes no attempt to discover what they were. An effort may be made to link up the effect with a cause, a wrong done to the living or the dead, but generally people are content to let it go that there must be something wrong somewhere or there would not be the sickness. And this something wrong may be some fault or faults or it may be nothing in particular. It may be nothing more than what we would call natural evil, what happens to man because he is man, or just human folly. I have often been struck in listening to Nuer myths and folk-tales with the way God is figured in them when man wants to do something foolish. He lets him do it, and when he is made to speak he says something like what we would render by 'all right, have it your own way'. Man is given the choice, and if he chooses wrongly he must put up with the consequences.

Nevertheless, though there is this feeling that wrongful actions may be punished by God, it would lead us entirely astray were we to try to equate sin with breaches of custom and convention. I have already noted that Nuer do not express indignation at sin and that what they get most indignant about is not thought of as sin. Nuer do not reason that incestuous congress with a kinswoman is bad and therefore God punishes it but that God causes misfortune to follow it and therefore it is bad. It is bad not in itself but in its

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consequences. Furthermore, we must note that the conditions in 783
which an interdiction, a breach of which is *nueer*, arises may in no 577
way come about through the breaking of a social regulation. Homicide is not forbidden, and Nuer do not think it wrong to kill a man in fair fight. On the contrary, a man who slays another in combat is admired for his courage and skill. Nevertheless he places himself and his kinsmen in a state of grave spiritual danger. Certainly no one is blamed for the birth of twins, the parents being thought to be most fortunate, but it brings about a precisely similar interdiction. Consequently, we are not primarily concerned with people's morals, whether according to Nuer ideas they are good or bad people, but with their spiritual condition, though good or bad conduct may affect this condition.

When there is sin a man's spiritual state is changed. I have spoken of him then as polluted, contaminated, or unclean. We now see that the pollution, contamination, or uncleanness is Spirit itself acting on the man on account of the violation of some interdiction. Nuer themselves say this when they simply remark of the sickness that it is *kwoth*. As we regard the matter from the outside we see that the ethical significance of sin lies in the violation of the interdiction. The interdiction itself may have no ethical significance, only a spiritual one. It may be some trifling injunction, like not drinking water. The circumstances in which spiritual danger attaches to certain events, circumstances in which Spirit is present and threatening, can be said to be good or bad only in the sense that they are fortunate (as the birth of twins) or unfortunate (as death) for the persons concerned. But if notions of sin are not just a rationalization of social convention neither are they just a rationalization of chance. The question whether the circumstances are fortunate or unfortunate is not really a relevant one. Nuer have the idea of luck (*bang*), but it does not arise here. Fundamentally in this context it is not a matter of being lucky or unlucky, or of being good or bad.

We shall see later how this double aspect of Spirit, what aids and what harms, what sustains and what destroys, is represented in the rite of sacrifice. In the present place we need only note further that it has some bearing on the question of the one and the many which we have earlier discussed. The idea of Spirit as the holy with whom it is extremely dangerous for man to be in contact is only absolute where God is concerned, and in such situations as have been

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783 discussed in this chapter. It is not absent in his refractions—
577 prophets are treated with reserve as containers of Spirit, totems
● are avoided as creatures in which Spirit appears to man, and the objects associated with nature sprites and fetishes are not handled by others than their owners—but though Spirit in these forms is dangerous there is no feeling of the lethal contamination of it which derives from the idea of it being something so wholly different from what is human as to be incompatible with it. In them Spirit is not in its entirety and it is also, as it were, filtered through material things. Man can then possess it and use it for his own purposes; but what he then possesses, as Nuer would be the first to recognize, is not God but *deng, teny, colwic, kwoth nyanga, kwoth nyota, biel roa, mathiang*, and so forth.